

CHAPTER 42

REGISTRATION OF PHARMACISTS

H. F. 711

AN ACT to amend the law as it appears in section twenty-five hundred eighty-nine-d (2589-d), supplement to the code, 1913, as amended by chapter ninety-five (95), acts of the thirty-eighth general assembly (C. C. 1420), relating to the examination and the registration of pharmacists.

Be it enacted by the General Assembly of the State of Iowa:

1 **SECTION 1. Renewal certificate.** That the law as it appears in sec-
2 tion twenty-five hundred eighty-nine-d (2589-d), supplement to the
3 code, 1913, as amended by chapter ninety-five (95), acts of the thirty-
4 eighth general assembly (C. C. 1420), be and the same is hereby
5 amended by striking out all that part of said section as amended after
6 the "period" following the word "writing" in line nine and substituting
7 in lieu thereof the following:

8 "After registration an annual fee of two dollars (\$2.00) for renewal
9 certificate shall be paid on or before the twenty-second day of March
10 by all pharmacists and assistants who continue in business. If such
11 fee is not paid by the time specified, a penalty of one dollar (\$1.00)
12 shall be added and collected. One dollar (\$1.00) of each annual fee
13 and all penalties collected shall be paid into the state treasury as pro-
14 vided in section twenty-five hundred eighty-six (2586) of the code and
15 one dollar (\$1.00) of such fee shall be paid to the treasurer of the
16 Iowa Pharmaceutical Association, quarterly, on the first day of Janu-
17 ary, April, July and October of each year to be used by said association
18 for the advancement of the art and science of pharmacy, and the con-
19 duct of a pharmacy without the renewal herein provided for shall be
20 a misdemeanor."

Approved April 4, A. D. 1923.

CHAPTER 43

NARCOTIC DRUGS

S. F. 569

AN ACT to regulate the sale, possession and use of narcotic drugs, declaring places where such drugs are possessed, sold or used unlawfully to be nuisances and subject to injunction and abatement as such; providing for search warrants and the disposition of drugs seized; providing penalties for the violation of all acts prohibited; and providing that all provisions shall be construed as mandatory and to prevent evasion; and repealing all acts or parts of acts in conflict with this act.

Be it enacted by the General Assembly of the State of Iowa:

1 **SECTION 1. Possession prohibited—exceptions—penalty.** That no
2 person shall have in his possession or under his control any opium,
3 coca leaves, or any compound, manufacture, salt, derivative, or prep-

4 aration thereof, including cocaine, morphine, heroin and codeine,
5 unless it be possessed thru having been prescribed, or dispensed, in
6 good faith, by a physician, dentist or veterinary surgeon registered
7 under the laws of Iowa and registered by the United States Govern-
8 ment under the Harrison Act, an act of congress approved December
9 17, 1914 as amended, to prescribe or dispense such drugs; provided
10 that this section shall not apply to any person registered under the
11 said Harrison act, or to any employee, or assistant of a registered per-
12 son and under his supervision, having such possession or control by
13 virtue of his employment and not on his own account; or to the posses-
14 sion of any of the aforesaid drugs by any corporation engaged in the
15 wholesale of such drugs, or by manufacturers of pharmaceuticals, the
16 said wholesalers and manufacturers being registered under the said
17 Harrison Act, or by any United States, State, City, County or Munic-
18 ipal official who has possession of any of said drugs by reason of his
19 official duties, or by a warehouseman holding possession for a person
20 so registered and who has paid the tax under the aforementioned
21 Harrison Act, or to common carriers engaged in transporting such
22 drugs; provided further, that it shall not be necessary to negative
23 any of the aforesaid exemptions under any complaint, information,
24 indictment or other writ or proceeding, brought under this act; and
25 the burden of proof of any such exemption shall be on the defendant.
26 Any person violating any provisions of this section shall be deemed
27 guilty of a misdemeanor and shall be fined not less than one hundred
28 (\$100.00) dollars or more than one thousand (\$1,000.00) dollars or
29 be imprisoned in the county jail not less than thirty days nor more
30 than one year, or both such fine and imprisonment.

SEC. 2. Manufacture, sale, etc. prohibited—exceptions—penalty.

1 That no person, company or corporation shall import, manufacture,
2 produce, compound, sell, deal in, dispense or give away any of the nar-
3 cotic drugs mentioned in section one (1) of this act, excepting as
4 otherwise hereinafter provided. Any person who violates any of the
5 provisions of this section shall be deemed guilty of a felony and on
6 conviction be imprisoned in the state reformatory or state penitentiary
7 for not more than ten years, or a fine not to exceed one thousand dollars
8 (\$1,000) or by both such fine and imprisonment. Any company or
9 corporation violating any of the provisions of this section shall, on
10 conviction, be fined not more than five thousand (\$5,000.00) dollars
11 or less than five hundred (\$500.00) dollars, and costs of prosecution;
12 provided that this section shall not apply to persons registered under
13 the aforesaid Harrison narcotic act and authorized or permitted to
14 possess, sell or use such narcotic drugs through compliance with said
15 Harrison act, and all United States, state, county and municipal offi-
16 cials who in the exercise of their official duties are engaged in any
17 business or act herein described.

1 **SEC. 3. Vehicles and containers.** That any motor vehicle or vehicle
2 drawn by animals, or any container, that is being used for
3 transporting narcotic drugs, which have been manufactured, sold,
4 purchased, delivered or received in violation of the laws of the United
5 States or of this act, may be seized by any peace officer in any county
6 in which such shipment originates or thru which it passes or in the
7 county in which it is to be delivered; said vehicle and the contents
8 therein so seized shall be taken to a magistrate who shall serve notice

9 on the owner thereof of such seizure and of the time set for a hearing
10 thereon which shall not be less than five days nor more than fifteen
11 days, after said seizure. On the magistrate finding that such vehicle
12 has been used in the illegal transportation of narcotic drugs he shall
13 order the vehicle forfeited and direct a peace officer in charge thereof
14 to sell the vehicle so seized as chattels under execution and apply the
15 money to the payment of the costs of the action and any other monies
16 remaining shall go into the school fund of the county. Providing,
17 however, that any person owning such vehicle may file a claim for
18 such vehicle setting out under oath that he did not know, and that
19 by the exercise of due diligence he could not have known, that the
20 vehicle was to be used for any such purpose.

1 **SEC. 4. General exceptions.** That the provisions of this act shall
2 not be construed to apply to the sale, distribution, giving away, dis-
3 pensing, or possession of preparations and remedies which do not con-
4 tain more than two grains of opium, or more than one-fourth grain
5 of morphine, or more than one-eighth of a grain of heroin, or more
6 than one grain of codeine, or any salt or derivative of any of them in
7 one fluid ounce, or, if a solid or semi-solid preparation, in one avoird-
8 pois ounce; or to liniments, ointments or other preparations which are
9 prepared for external use only, except liniments, ointments and other
10 preparations which contain cocaine or any of its salts or alpha or beta
11 eucaïne or any of their salts or any synthetic substitute for them;
12 provided, that such remedies and preparations are sold, distributed,
13 given away, dispensed, or possessed as medicines and not for the pur-
14 pose of evading the intentions and provisions of this act. The provi-
15 sions of this act shall not apply to decocanized coca leaves or prepara-
16 tions made therefrom, or to other preparations of coca leaves which
17 do not contain cocaine.

1 **SEC. 5. Common nuisance—injunction.** That any building, erection
2 or place resorted to by habitual users of narcotic drugs, for the purpose
3 of using such drugs, or which is used for the illegal keeping of the
4 same, and any building, erection or place in which narcotic drugs are
5 kept, sold or dispensed in violation of the laws of Iowa or the laws of
6 the United States, shall be deemed a common nuisance, and it may be
7 enjoined and abated thru the same laws and proceedings provided for
8 enjoining and abating intoxicating liquor nuisances, as provided for
9 in title twelve, chapter six of the code as amended, and evidence of
10 the general reputation of the place shall be competent to establish the
11 existence of the nuisance, and for the violation of any such injunction,
12 temporary or permanent, the offender may be punished for contempt
13 of court under the same laws and proceedings provided for punishment
14 for contempt of court for the violation of an injunction made and
15 entered against an intoxicating liquor nuisance, as provided in the
16 aforementioned title and chapter.

1 **SEC. 6. Search warrant.** If any credible resident of the state makes
2 affidavit before a magistrate that he has reason to believe and does
3 believe that narcotic drugs are kept or deposited by any person in any
4 building, erection or place, and are intended to be sold, dispensed or
5 used unlawfully, and such magistrate finds that the affiant has probable
6 cause for believing his allegations to be true, he shall issue a search
7 warrant, directed to any peace officer in the county commanding him

8 to search the premises described in such affidavit or information, and
9 to seize and securely keep any such drugs found in the place described
10 until final action thereon, and return the warrant forthwith, with his
11 doings thereon, to the magistrate issuing the same.

1 **SEC. 7. Forfeiture—burden of proof—order of disposal.** The mag-
2 istrate issuing a search warrant upon which the peace officer serving
3 it, in his return thereon, shows the seizure of any narcotic drugs,
4 shall cause to be left at the place searched, a notice setting out the
5 kind and quantity of narcotic drugs so seized and fixing a date of not
6 less than five nor more than fifteen days after such seizure, at which
7 time the said drugs will be forfeited on an order of default unless the
8 owner appears and files a written claim for the same, when the drugs
9 at issue shall be tried substantially as an action in equity, and the
10 claimant of the drugs may introduce evidence to show that he pos-
11 sessed the drugs in question legally and that they were not intended
12 for illegal use. The burden of proof shall be on the claimant of the
13 drugs, and if he establish the fact that the drugs were possessed
14 legally and were not intended for illegal sale or use, then the said
15 drugs shall be delivered to the claimant; otherwise the magistrate
16 shall order such drugs delivered to the state board of control, to be
17 used in the state hospitals under the direction of the superintendent
18 or a physician of the institution, or by his direction, and the costs
19 taxed to the claimant. The claimant of such drugs and the state
20 shall have the right to appeal as in ordinary civil actions.

1 **SEC. 8. Forms.** That all forms necessary to carry out the provi-
2 sions of this act shall be prepared and provided by the attorney gen-
3 eral.

1 **SEC. 9. Rule of construction.** That all provisions of this act shall
2 be construed as mandatory and not directory and that all provisions
3 shall be construed by the courts so as to prevent evasion.

1 **SEC. 10. Applicability of act—rule of evidence.** That the provi-
2 sions of this act shall not apply to any person, company or corporation
3 exempted under section one (1) of this act unless it be shown by
4 competent evidence that such person, company or corporation has
5 purchased or received any narcotic drugs, heretofore mentioned, from
6 persons not authorized to sell the same, and the possession of such
7 narcotic drugs, unaccounted for by the legal authority to purchase
8 and have possession of the same, or having in his possession any of
9 such drugs concealed or stored in any other place than that provided
10 for the storage of his stock of such drugs which have been purchased
11 legally, shall be prima facie evidence of the purchase of such nar-
12 cotic drugs from persons unauthorized to sell or dispense the same,
13 in which case the proceedings, penalties and forfeitures provided in
14 this act shall apply.

1 **SEC. 11. Indefinite repeal.** All acts or parts of acts in conflict
2 with this act are hereby repealed.

1 **SEC. 12. Publication clause.** This act being deemed of immediate
2 importance shall take effect from and after its publication in the

3 Ottumwa Courier, a newspaper published in Ottumwa, Iowa, and the
4 Iowa Forum, a newspaper published in Des Moines, Iowa.

Approved April 10, A. D. 1923.

I hereby certify that the foregoing act was published in the Iowa Forum April 11, 1923, and the Ottumwa Courier April 12, 1923.

W. C. RAMSAY, *Secretary of State.*

CHAPTER 44

IMITATION MILK PRODUCTS

S. F. 513

AN ACT to prohibit the sale or exchange, or to have in possession with intent to sell or exchange, any milk, cream, ice cream, skim milk, buttermilk, condensed or evaporated milk, powdered or dessicated milk, condensed skim milk, or any of the fluid derivatives of any of them to which has been added any fat or oil other than milk fat; providing penalties for the violation of the provisions of this act, and amending chapter two hundred six (206), acts of the thirty-eighth general assembly (S. C. C. 1445).

Be it enacted by the General Assembly of the State of Iowa:

1 SECTION 1. **Manufacture, sale or possession prohibited.** It shall
2 be unlawful for any person, firm or corporation, by himself, or by
3 any officer, servant, or agent, or as the servant or agent of another,
4 to manufacture, sell or exchange or have in possession with intent
5 to sell or exchange, any milk, cream, ice cream, skim milk, buttermilk,
6 condensed or evaporated milk, powdered or dessicated milk, con-
7 densed skim milk, or any fluid derivatives of any of them to which
8 has been added any fat or oil other than milk fat, either under the
9 name of said products or articles or the derivatives thereof or under
10 any fictitious or trade name whatsoever.

1 SEC. 2. **Penalty.** Any person, firm or corporation violating any
2 provisions of this act shall be guilty of a misdemeanor and upon con-
3 viction thereof shall be punished by imprisonment in the county jail
4 for not more than thirty (30) days or by a fine of not less than
5 twenty-five dollars (\$25.00) nor more than one hundred dollars
6 (\$100.00), or by both such fine and imprisonment.

1 SEC. 3. **Enforcement.** The dairy and food commissioner, by him-
2 self or by his assistants, chemists, inspectors or agents, shall be
3 charged with the enforcement of the provisions of this act.

1 SEC. 4. **Repeal.** Section two (2) of chapter two hundred six (206),
2 acts of the thirty-eighth general assembly (S. C. C. 1445) is hereby
3 amended by striking out all after line sixty-seven (67) thereof.

Approved March 28, A. D. 1923.